

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TODD L. JOHNSON,

Plaintiff,

-v-

CLIFF MCCALLUM,

Defendant.

23 Civ. 7879 (PAE) (GS)

ORDER OF DISMISSAL

PAUL A. ENGELMAYER, District Judge:

On June 25, 2025, the Court issued an order to show cause why this action should not be dismissed for failure to prosecute under Federal Rule of Civil Procedure 41. Dkt. 53. On September 5, 2023, plaintiff Todd L. Johnson, proceeding *pro se*, filed the complaint in this case. Dkt. 1. On November 2, 2023, Johnson filed his Amended Complaint. Dkt. 5. On December 4, 2023, the Court directed service upon defendant Cliff McCallum, who, on January 24, 2024, was served with the Summons and Amended Complaint.<sup>1</sup> Dkt. 17. On April 9, 2024, McCallum filed an Answer. Dkt. 24. Johnson, however, has not appeared since filing his Amended Complaint, has failed to appear for the case conferences held before Magistrate Judge Gary Stein on April 15 and July 9, 2025, and has failed to respond to discovery demands. Dkts. 38, 41, 55. No progress has otherwise been made by Johnson in this case.

The Court's June 25, 2025 order to show cause advised that cause may be shown by properly requesting a certificate of default from the Clerk of Court, and, by Wednesday, July 16,

---

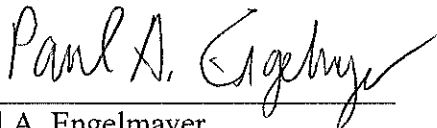
<sup>1</sup> On February 5, 2024, the Court also directed service upon defendant Renee Casanas, who was served with the Summons and Amended Complaint on March 21, 2024. Dkts. 15, 21. Casanas filed a motion to dismiss on May 20, 2024. Dkts. 25–26. Johnson failed to respond, and, on February 13, 2025, the Court granted Casanas's motion. Dkt. 36. McCallum has now moved to dismiss as well, Dkt. 44, and Johnson has similarly failed to respond.

2025, filing a motion for default judgment with the Court. Dkt. 53. Plaintiff has not taken these steps or otherwise taken any action to make any progress in this case since the Court's order to show cause.

Accordingly, under Federal Rule of Civil Procedure 41(b) and the Court's inherent power, *see Link v. Wabash R.R. Co.*, 370 U.S. 626, 630–32 (1962), the Court hereby dismisses this case, without prejudice, for the plaintiff's failure to prosecute.

The Clerk of Court is respectfully directed to close this case.

SO ORDERED.

  
\_\_\_\_\_  
Paul A. Engelmayer  
United States District Judge

Dated: July 17, 2025  
New York, New York